



SHARED MICRO-MOBILITY PERMIT ADMINISTRATIVE REGULATIONS

Department of Transportation

200 East Santa Clara Street, 8th Floor, San Jose, CA 95113

PART 1 – GENERAL PROVISIONS

Section 1-1. Purpose and Authority

Chapter 11.92 of the San José Municipal Code (“Code”) sets forth the requirements and procedures for permits issued for the operation of Shared Micro-Mobility Device Systems in the City of San José (“City”). These regulations implement the provisions of Chapter 11.92 and are issued by the Director of Transportation (“Director”) under the authorization granted pursuant to Section 11.92.110 of the Code. These regulations are not intended to be exhaustive and may be amended at any time by the Director.

These regulations shall be referred to as the “Shared Micro-Mobility Permit Administrative Regulations”.

Section 1-2. Definitions and Construction

The definitions set forth in Chapter 11.92, and herein, shall govern the application and interpretation of these regulations. Any reference to federal, state or local statutes and ordinances includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute, ordinance or regulatory provision.

PART 2 – PERMIT PROCEDURES AND OPERATING REQUIREMENTS

Section 2-1. Permit Issuance

- 1) The permit term will begin on July 1st of the permit application year and will end on June 30th of the following year.
- 2) The Director of Transportation will determine the total number of permittees allowed during a permit term. Operators seeking to obtain a permit may submit permit applications beginning on March 1st of the permit application year. When the maximum number of yearly permits available have been issued, applications will no longer be accepted.
- 3) Permits must be renewed annually. Permits are revocable by the Director for failure to meet the requirements set forth in the Code or in the Administrative Regulations.
- 4) Programs, systems, devices, or operations that conflict with existing contracts, agreements, or other obligations of the City of San Jose will not be issued a permit.
- 5) Shared electric-assist bicycle programs will currently not be issued a permit under these regulations.

Section 2-2. Shared Micro-Mobility Device Requirements

- 1) **Device Identification** – Each Shared Micro-Mobility Device must have a unique identifying number printed on it, along with the company’s name, customer service telephone number, and website address.
- 2) **Vehicle Code Standards** – Each Shared Micro-Mobility Device must conform to the equipment, lighting, and safety standards as defined under applicable sections of the California Vehicle Code, including but not limited to the provisions in section 21223 for electric scooters.
- 3) **Display of Applicable Laws** – Each Shared Micro-Mobility Device must display state and local laws applicable to their use in the public right-of-way.
- 4) **Data Compliance** – Each Shared Micro-Mobility Device must comply with the Data Sharing section of these regulations.
- 5) **Speed Limit** – Operators must ensure that all electric scooters deployed can be limited to a maximum speed in areas of the City’s public right-of-way determined by the Director. In the City of San Jose, electric scooters must be capped at a maximum speed limit of twelve miles-per-hour.
- 6) **Prevention of Illegal Sidewalk Use** – Operators of electric scooters must prevent motorized use on sidewalks. If an Operator is unable to develop or acquire technology that can effectively prevent sidewalk use at the time of permit issuance, Operators shall follow the City’s Sidewalk Riding Prevention Technology Requirement and Evaluation Schedule. Operators shall coordinate with City Staff a validation process to demonstrate they can effectively detect sidewalk use and reduce e-scooter speeds to 5 mph when used on sidewalks. Satisfaction of this requirement will be determined by the Director of Transportation.

Section 2-3. Program Size, Area, and Distribution

- 1) **Total Maximum Number** – The Director may set the total maximum number of Operators and Shared Micro-Mobility Devices, as needed, by amendment of the regulations.
- 2) **Maximum Number of Operators** – Permits may be issued to up to four (4) Operators during the permit term from July 1, 2021, through June 30, 2022. If more than the allowable number of Operators submit permit applications for the same permit term, the Director will apply a selection process to grant permits to Operators that best meet or exceed requirements and/or operational standards. The maximum number of Operators allowed may be amended by the Director.
- 3) **Maximum Number of Devices** – Each Operator will be allowed to operate a maximum of 1,000 Shared Micro-Mobility Devices available for public use. Operators shall apply for a permit amendment to request additional Device permits and must pay the corresponding prorated annual per device fees. Additional Device permits may be granted to Operators that demonstrate

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an average monthly ridership that meets a Minimum Utilization Rate (MUR) of three (3) rides per day. The Department of Transportation will take into consideration other factors for granting fleet size increases, including Operator performance, the total number of devices deployed in the City, seasonal and environmental conditions, public events, and public safety concerns. The maximum number of Shared Micro-Mobility Devices may be amended by the Director.

- 4) **Minimum Number of Devices** – Each Operator must operate a minimum of 50 Shared Micro-Mobility Devices available for public use; the minimum number of Shared Micro-Mobility Devices may be amended by the Director.
- 5) **Program Area** – At any time, the Director may amend the regulations to establish program areas or boundaries where the number of Shared Micro-Mobility Devices is restricted or where separate parking requirements are established.
- 6) **Re-Balancing Requirements** – Shared Micro-Mobility Devices must be re-parked/re-distributed regularly to ensure daily compliance with the regulations.
- 7) **Obstructions** – Shared Micro-Mobility Devices in the public right-of-way that are found to create right-of-way obstructions or public nuisances are subject to removal per San Jose Municipal Code section 13.24.
- 8) **Communities of Concern** – To address equity needs, 20% of an Operator's operations must occur in a "Community of Concern" as defined by the Metropolitan Transportation Commission.

Section 2-4. Operating Regulations

- 1) **Shared Micro-Mobility Device Parking**
 - a) Shared Micro-Mobility Devices parked in the public right-of-way shall be parked upright without leaning on any object in the furnishing zone of a sidewalk, as defined in the San Jose Complete Streets Design Standards and Guidelines, in a way that complies with the Americans with Disability Act clearance standards and does not impede upon pedestrian traffic flow.
 - b) Shared Micro-Mobility Devices shall not be parked in a manner that prevents access to a fire hydrant or other emergency facility, or to any under- or above-ground utility.
 - c) Shared Micro-Mobility Devices shall not be parked in a manner than blocks curb ramps, public or private pathways, public or private driveways, public or private entryways and exits, handicapped parking zones, loading zones, or bus boarding zones.
 - d) Shared Micro-Mobility Devices shall not be parked in a manner that restricts access, ingress, or egress to transit, including bus stops and light rail platforms, or prevents the reasonable use of bicycle racks, news racks, or public restrooms.

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- e) When a sidewalk lacks a furniture zone, Shared Micro-Mobility Devices shall be parked in a way that complies with the Americans with Disability Act clearance standards and does not impede upon pedestrian traffic flow, or violate any paragraph in this section.
- f) No Shared Micro-Mobility Device may lie on its side, whether placed on its side or fallen over.
- g) Operator and/or their agents/contractors may not park Shared Micro-Mobility Devices in the landscaped areas of park strips or in parking garages owned by the City of San Jose.
- h) Operator must respond to and address requests from the City or from the public to re-park or remove Shared Micro-Mobility Devices that are parked in violation of the regulations within two hours of the request.
- i) The Director may establish designated parking zones to manage parking and distribution of Shared Micro-Mobility Devices.
- j) Operators shall not park Shared Micro-Mobility Devices within the area of any Community Special Event permitted under Chapter 13.14 of the San Jose Municipal Code.

2) **Infrastructure Requirements**

- a) An Operator shall be responsible for the cost and maintenance of any infrastructure required for operation of any Shared Micro-Mobility Device System. Operator shall obtain all required permits prior to installing any infrastructure.
- b) The regulations set forth here apply to the public rights-of-way in the City of San Jose. For locations outside the City right-of-way, Operator must obtain permission from the appropriate property owner.

3) **Customer Service**

- a) Operator shall maintain a staffed operations center within the nine-county San Francisco Bay Area.
- b) Operator shall maintain a 24-hour customer service telephone number for customers and members of the public to report safety concerns, complaints, or to ask questions. The customer service number shall be clearly displayed on all Shared Micro-Mobility Devices in service.
- c) Operator shall respond to and address requests to re-park or remove Shared Micro-Mobility Devices that are parked in violation of the regulations within two hours of the request.
- d) Within six months of permit issuance, Operator shall use English, Spanish, and Vietnamese in its customer service and low-income discount program materials, including in its website, mobile app, and phone services.

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4) **Maintenance**

- a) Operator must ensure that all Shared Micro-Mobility Devices in their fleet are in good working order, are clean, and are safe to operate for a wide range of users.
- b) Operator must promptly remove Shared Micro-Mobility Devices that are not properly operating.
- c) Operator must maintain a record of all maintenance performed for each Shared Micro-Mobility Devices and make such record available to the City upon request.

5) **Education and Outreach**

- a) Operator shall educate its users on state and local laws pertaining to the use of Shared Micro-Mobility Devices.
- b) Operator shall post applicable state laws and City ordinances on each Shared Micro-Mobility Device in a clear and concise manner and indicate requirements regarding sidewalk riding, age, drivers' license, speed, and other applicable laws.
- c) Operator shall include on its website and mobile app a "Code of Conduct" that, at a minimum, encourages and promotes the safe and responsible conduct of Shared Micro-Mobility Device users.
- d) Operator shall ensure that their users comply with all state laws and local ordinances regarding parking and use of Shared Micro-Mobility Devices.
- e) During the first seven days of an Operator's deployment(s), representatives from the company must be on-hand in the deployment area to answer questions and distribute information regarding safety and proper use of Shared Micro-Mobility Devices. These activities must be coordinated with City staff. Operators are encouraged to continue this practice throughout the duration of their permitted activities.

6) **Low-Income Discount**

- a) Operator shall establish a low-income discount program that offers discounted memberships to individuals at or below 200% of the federal poverty level. Membership in public assistance programs such as SNAP, CalFresh, or PG&E Care may be used for discount eligibility, or some other metric consistent with this requirement and approved by the Director.
- b) The low-income discount program shall waive any applicable customer deposit fees.

7) **Reporting and Data Sharing**

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- a) Within 30 days of permit issuance, each operator must have an application program interface (API) or other automated mechanism that allows their services to be integrated into third-party mobility applications so that users can see data about and procure services through third-party Mobility-as-a-Service applications.
- b) Data for all Shared Micro-Mobility Device types must be provided to the City, and partners, in the General Bike Feed Specification (GBFS) and Mobility Data Specification (MDS) formats, or some other format as specified by the City on its website, each through an API. The City maintains links to the full specification of these required data formats on the City's Shared Micro-Mobility Program webpage.
- c) GBFS must be made available to the public through the Operator's website.
- d) The MDS feed must be available to City's specified partners. These feeds must be consumable by third-party software. To ensure the protection of personal privacy and personally identifiable information, third party software providers that process Operator MDS data for the City shall abide by the Data Protection Principles of the Shared Micro-Mobility Permit Program.¹
- e) Operator MDS data shall be held confidentially between the City and the Operator to the extent that is permitted by law. However, summaries, program utilization data, and trend data may be made public.
- f) Data must be provided for all devices permitted and shall be made available to the City for the duration of the permit.
- g) Operator shall comply with all state and federal laws related to personally identifiable information (PII) including but not limited to California Civil Code Section 1798 et seq.
- h) Non-GBFS data consumed through the API by City specified third-party software providers shall not be publicly available without consent from the Operator.
- i) Operators must provide to the Department of Transportation accurate monthly summaries describing the following:
 1. Incidents by type (complaints, requests for improperly parked Shared Micro-Mobility Devices, and collisions). Type of collision must be detailed to include location, number or parties, severity, and response to collision;
 2. Number of inquiries by type and method by which Operator received such inquiries;
 3. Response time, including time of request and time of resolution;

¹ Shared Micro-Mobility Permit Data Protection Principles,
<https://www.sanjoseca.gov/home/showpublisheddocument?id=67728>.

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4. A maintenance log, including date and type of maintenance performed;
 5. Number and type of education and outreach activities performed, and updated information about of low-income membership;
 6. Recovery efforts for e-scooters placed in trees, creeks, bodies of water, and other inappropriate locations; and
 7. Updated end-of-life cycle plans.
- j) Operators shall survey users every six months to inquire about mode shift and relevant information to support future program planning. Survey questions will be provided by the City to ensure consistency among operators.

8) Realtime Data Requirements and Compliance with Mobility Data Specification (MDS)

- a) All Operators shall abide by the Mobility Data Specification (MDS) as published online at <https://github.com/openmobilityfoundation/mobility-data-specification> to ensure a consistent and safe transfer of vehicle data.
- b) All Operators shall provide endpoints in the **Provider and Agency APIs** to allow the City to oversee permit regulations; and shall be willing to implement the latest MDS API developments and necessary updates.